

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LEANN IOSELLO,)	
individually and on behalf of a class,)	
)	
Plaintiff,)	
)	
v.)	1 : 08 CV 2329
)	Judge Der-Yeghiayan
GAMERS PARADISE, INC.,)	Magistrate Judge Cole
and DOES 1-10,)	
)	
Defendants.)	

**MOTION FOR ORDER OF DEFAULT
AND FOR LEAVE TO TAKE LIMITED DISCOVERY**

Plaintiff respectfully requests that this Court enter an order of default against defendant, and also requests that this Court give plaintiff leave to take limited discovery for the purpose of preparing to send the best notice practicable under the circumstances to putative class members. In further support of this motion, plaintiff states as follows:

1. Plaintiff, for herself and a putative class, claims that defendant violated the Fair Credit Reporting Act, as amended by the Fair and Accurate Credit Transactions Act of 2003, by printing more than five digits of her account number on her credit card receipt. 15 U.S.C. §1681c(g). Her claims were made in a complaint filed in this Court on April 24, 2008.

2. The complaint and a summons were served upon defendant on May 13, 2008. Specifically, the store manager at defendant's store in Gurnee, Illinois accepted service of process from Patrick Richardson, a process server employed by Absolute Investigative Solutions, Inc. (Exhibit 1.)

3. Pursuant to Fed.R.Civ.P. 12(a)(1)(A), a defendant has 20 days after service in

which to answer a complaint. In this case, defendant's responsive pleading was due on June 2, 2008.

4. As of June 10, 2008, no answer has been filed; nor has a request for an extension of time in which to answer been filed or noticed for hearing.

5. Accordingly, defendant is in default.

6. This motion has been served upon defendant by regular and certified mail, and has been noticed for June 24, 2008, so as to allow defendant sufficient time to receive it and respond as it sees fit.

7. Plaintiff has brought a motion for class certification, which this Court is holding in abeyance per its order of May 22, 2008. (Docket No. 13.) Should this Court certify a class, plaintiff would provide notice to members of that class.

8. Plaintiff would like to conduct limited discovery to (a) determine the number of class members, (b) learn whether a class list can be developed, (c) obtain a class list if one is available, and (d) determine whether the best practicable notice to class members, as required by Fed.R.Civ.P. 23(c)(2)(B), would be a mailing, a publication, a posting in defendant's stores, or some combination of these methods.

WHEREFORE, plaintiff respectfully requests that this Court enter an order of default against defendant and grant plaintiff leave to take limited discovery for the purpose of preparing to send the best notice practicable under the circumstances to putative class members.

Respectfully submitted,

s/Thomas E. Soule

Thomas E. Soule

Daniel A. Edelman
Cathleen M. Combs
James O. Latturner
Thomas E. Soule
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AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

Leann Iosello, individually and on behalf of a
class, Plaintiff,

CASE NUMBER: 08 CV 2329

V.

ASSIGNED JUDGE: Judge Der-Yeghiayan

Gamers Paradise, Inc., and DOES 1-10,
Defendants.

DESIGNATED
MAGISTRATE JUDGE: Jude Cole

TO: (Name and address of Defendant)

Gamers Paradise, Inc.
6170 W. Grand Ave. #485
Gurnee, Illinois 60031

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Edelman, Combs, Lattuner & Goodwin LLC,
120 S. LaSalle 18th Floor
Chicago, IL 60603

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the
relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time
after service.

Michael W. Dobbins, Clerk

Nadine Shirley

(By) DEPUTY CLERK

May 6, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>05-13-2008</u>	
NAME OF SERVER (PRINT) <u>PATRICK RICHARDSON</u>	TITLE <u>Private Detective</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Served personally upon the defendant. Place where served:</div><div><u>GAMERS PARADISE, Inc.</u></div></div> <div style="margin-top: 10px;"><u>6170 W. GRAND Ave. #485 Gurnee, IL 60031. Accepted by</u> <u>Joseph Gunnett, store manager.</u></div> <div style="margin-top: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____</div> <div style="margin-top: 10px;"><input type="checkbox"/> Returned unexecuted: _____ _____ _____</div> <div style="margin-top: 10px;"><input type="checkbox"/> Other (specify): _____ _____ _____</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="width: 30%;"><p>Executed on <u>05-14-2008</u></p><p style="text-align: center; font-size: small;">Date</p></div><div style="width: 65%;"><p style="text-align: center;"><u><i>Patrick Richardson</i></u></p><p style="text-align: center; font-size: small;">Signature of Server</p><p><u>Absolute Investigative Solutions, Inc.</u> <u>100 S. ATKINSON RD. UNIT 116, suite 198</u> <u>GRAYSLAKE, IL 60030</u></p><p style="text-align: center; font-size: small;">Address of Server</p><p style="text-align: center;"><u>IL Lic. 117-001352</u></p></div></div> <div style="margin-top: 20px; text-align: center;"><p><u>5/14/2008</u></p><div style="border: 2px solid black; padding: 5px; display: inline-block; text-align: left;"><p>OFFICIAL SEAL PATRICIA M BRZEZICKI NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES 02/15/12</p></div><p><u><i>Patricia M Brzezicki</i></u></p></div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.